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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kizer et al.

Application No.: 10/035,030

Attorney Docket No.: 24141097.3

For: METHOD AND APPARATUS FOR
PROCESSING FINANCIAL TRANSACTIONS
OVER A PAGING NETWORK

OFFICIAL

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW AS ATTORNEY OR AGENT

Dear Sir:

Baker & McKenzie respectfully requests to withdraw as attorney or agent for the above-identified patent application due to non-payment of attorney fees. See, Argument in Support of Petition to Withdraw from Representation attached. All future correspondence be addressed to:

Robert D. Kizer, Esq.
Attorney at Law
707 West Avenue, Suite 201
Austin, TX 78701

Should the Examiner have any questions or comments, a telephone conference with the below-signed attorney-of-record is greatly appreciated.

Respectfully submitted,

Date: December 24, 2003

William D. McSpadden
William D. McSpadden, Reg. No. 44,234
BAKER & MCKENZIE
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Telephone: (214) 978-3040
Facsimile: (214) 978-3099

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**ARGUMENT IN SUPPORT OF PETITION TO WITHDRAW FROM
REPRESENTATION**

In accordance with 37 C.F.R. §10.40(c)(1)(vi), Applicant's attorneys seek to withdraw from representation in this application because Applicant has failed to pay numerous bills that have accrued for the prosecution of this application and related work on their patent application. We currently represent the assignee, Wireless Checking, Inc., in its affairs before the U.S. Patent and Trademark Office. Decl. of McSpadden, ¶ 3. Starting in March of 2003, Applicant ceased paying our bills related to the prosecution of this application. *See Id.* ¶ 4. The oldest of the unpaid bills is dated March 2003 and the current outstanding balance of Applicant's account is more than three thousand dollars. *Id.* Over the past nine months, Applicant's attorneys have made numerous attempts to contact Applicant regarding payment, none of which has been successful. *Id.* at ¶ 5. Because Applicant has failed to pay numerous bills for the past nine months, Applicant's attorneys believe that the requirements of 37 C.F.R. §10.40(c)(1)(vi) have

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FROM REPRESENTATION
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been met and Applicant's attorneys should be allowed to withdraw from representation in this case.

Respectfully submitted,



William D. McSpadden
Reg. No. 44,234
BAKER & MCKENZIE
2001 Ross Avenue
Dallas, Texas 75201
(214) 978-3040 (telephone)
(214) 978-3099 (facsimile)

December 24, 2003

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**DECLARATION OF WILLIAM D. MCSPADDEN IN SUPPORT OF PETITION TO
WITHDRAW FROM REPRESENTATION**

1. My name is William D. McSpadden and I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify to the following facts. I have personal knowledge that all facts set forth in this Declaration are true and correct.

2. I am registered patent attorney (44,234) at the firm of Baker & McKenzie, which has an address of 2300 Trammell Crow Center, 2001 Ross Ave., Dallas, Texas 75201.

3. Our firm currently represents Wireless Checking, Inc. in its patent filings before the U.S. Patent and Trademark Office. I am presently the attorney-in-charge of U.S. Patent Application Serial No. 10/035,030, which has an attorney docket number of 24141097.3.

4. Wireless Checking, Inc. is an assignee of this patent application, as evidenced by the assignment documents in Exhibit A. Wireless Checking, Inc., however, stopped paying our bills for this application in March 2003. None of the bills that were sent to Wireless Checking,

DECLARATION OF WILLIAM D. MCSPADDEN IN SUPPORT
OF PETITION TO WITHDRAW FROM REPRESENTATION

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Inc. after March 2003 have been paid. Wireless Checking, Inc. has currently incurred a total bill of more than three thousand dollars related to work for this application and related work on their international application, all of which remains unpaid.

5. I have made numerous attempts to contact Wireless Checking, Inc. regarding the payment of our bills. None of these attempts at communication were successful and no payment has been made.

William D. McSpadden
William D. McSpadden

SUBSCRIBED AND SWORN TO BEFORE ME on this the 24th day of
December 2003, to certify which witness my hand and seal of office.



Jana Taylor
Notary Public in and for the
State of Texas

JANA TAYLOR
Printed Name of Notary

My Commission Expires:

9/12/05

DECLARATION OF WILLIAM D. MCSPADDEN IN SUPPORT
OF PETITION TO WITHDRAW FROM REPRESENTATION

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

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Signature

William D. McSpadden, Reg. No. 44,234

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FOR S/N 10/035,030

1. Request for Withdrawal as Attorney or Agent;
2. Argument in Support of Petition to Withdraw from Representation
3. Declaration of William D. McSpadden in Support of Petition to Withdraw from Representation; and
4. Facsimile transmission cover sheet

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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